

NO. 25287

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Petitioner,

vs.

THE HONORABLE KARL K. SAKAMOTO, JUDGE OF THE CIRCUIT COURT
OF THE FIRST CIRCUIT, STATE OF HAWAI'I; and SHAWN REILLY,
Real Party in Interest, Respondents.

ORIGINAL PROCEEDING
(Cr. No. 01-1-0062)

ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon consideration of Petitioner State of Hawaii's petition for a writ directed to a judge, the papers in support, and the records and files herein, it appears that: (1) Petitioner is seeking review of the order granting a motion for a deferred acceptance of no contest guilty plea entered in State v. Reilly, Cr. No. 01-1-0062; (2) The grant of a DANC plea is reviewable through a petition for a writ of mandamus. State v. Hamili, 87 Hawai'i 102, 952 P.2d 390 (1998); (3) HRAP Rule 21(a) governs petitions for writs directed to judges and provides that orders and parts of the record that may be essential to an understanding of the matters set forth in the petition shall be attached to the petition; (4) the circuit court record index indicates that the State filed two motions for reconsideration related to the DANC plea, the defense filed opposition to the motions, the respondent judge conducted two hearings on the motions and entered two orders; and (5) the documents and transcripts are essential to an

understanding of the matters set forth in the petition.

Therefore,

IT IS HEREBY ORDERED that the petition is denied without prejudice to the State filing a subsequent petition that includes the above mentioned parts of the record.

DATED: Honolulu, Hawai'i, September 6, 2002.